## REMARKS

Claims 12-21, 33-42, and 54-63 are pending after this amendment.

Claims 1-11, 22-32, and 43-54 have been cancelled.

The amendments and remarks presented herein are in response to the Office Action dated June 14, 2006.

On July 11, 2006, a telephonic interview took place between the Examiner and Applicants' representative. The Examiner informed Applicants' representative that the Office Action summary for the Non-Final Action mailed on June 14, 2006 contained a typographical error, and that the shortened statutory period for reply is three months, not one month, from the mailing date of the Action. Accordingly, the shortened statutory period for reply expires on September 14, 2006.

The Examiner stated that the information disclosure statement filed on January 12, 2004 fails to comply with 37 CFR 1.98. Applicants include herewith a Supplemental Information Disclosure Statement that addresses the deficiencies of the previously filed information disclosure statement.

The Examiner objected to the specification, pointing out that the serial numbers of the related applications are missing at paragraphs [0002] and [0003]. The specification has been amended to address these deficiencies.

The Examiner objected to the drawings, stating that Figs. 1-3 should be designated by a legend such as –Prior Art--.  A Letter to the Chief Draftsperson, along with replacement Figs. 1-3, is submitted herewith.  The replacement drawings include the Prior Art designation.

The Examiner objected to the drawings, stating that the contents of many of the figures, including Figs. 5-6 and 9A-16, are not clear or legible.  Applicants have reviewed the figures and do not see any unclear or illegible material.  Applicants enclose herewith a copy of a previously filed Letter to the Chief Draftsperson including replacement drawings that was filed on June 15, 2005.  Should the Examiner maintain this objection, it is respectfully requested that the Examiner point out what areas of the figures are unclear or illegible.

The Examiner rejected claims 54-63 under 35 USC 101 as being directed to non-statutory subject matter.  The Examiner stated that the specification does not explicitly define a "computer program product," and that, based on the specification a computer-readable medium could comprise a signal per so, which is not statutory subject matter. .

This rejection is respectfully traversed.  The patentability of computer program product claims reciting a computer-readable medium having computer program code encoded thereon is well established.  Specifically, a claimed computer-readable medium encoded with a computer program is considered to be a computer

element which defines structural and functional interrelationships between the computer program and the rest of the computer which permit the computer program's functionality to be realized, and is thus statutory. See In re Lowry, 32 F.3d 1579, 1583-84, 32 USPQ2d 1031, 1035 (Fed. Cir. 1994). The present claims 54-63 recite a computer-readable medium and computer program code encoded on the medium, and therefore constitute statutory subject matter under *Lowry*..

MPEP 2106.IV.B.1.(a) reads as follows:

> Descriptive material can be characterized as either "functional descriptive material" or "nonfunctional descriptive material." In this context, **"functional descriptive material" consists of data structures and computer programs which impart functionality when employed as a computer component.** (The definition of "data structure" is "a physical or logical relationship among data elements, designed to support specific data manipulation functions." The New IEEE Standard Dictionary of Electrical and Electronics Terms 308 (5th ed. 1993).) "Nonfunctional descriptive material" includes but is not limited to music, literary works and a compilation or mere arrangement of data.
>
> Both types of "descriptive material" are nonstatutory when claimed as descriptive material *per se. Warmerdam*, 33 F.3d at 1360, 31 USPQ2d at 1759. **When functional descriptive material is recorded on some computer-readable medium it becomes structurally and functionally interrelated to the medium and will be statutory in most cases since use of technology permits the function of the descriptive material to be realized.** Compare *In re Lowry*, 32 F.3d 1579, 1583-84, 32 USPQ2d 1031, 1035 (Fed. Cir. 1994) (claim to data structure stored on a computer readable medium that increases computer efficiency held statutory) and *Warmerdam*, 33 F.3d at 1360-61, 31 USPQ2d at 1759 (claim to computer having a specific data structure stored in memory held statutory product-by-process claim) with *Warmerdam*, 33 F.3d at 1361, 31 USPQ2d at 1760 (claim to a data structure *per se* held nonstatutory).

(Emphasis added).

The computer program code recited in the present claims 54-63 imparts functionality when employed as a computer component (per the steps recited in the claims), and therefore falls under the definition of "functional descriptive material" under MPEP 2106.IV.B.1.(a). As further recited in the claims, the computer program code is encoded on the computer-readable medium; accordingly, under MPEP

2106.IV.B.1.(a) it becomes structurally and functionally interrelated to the medium

and is therefore statutory.

The Examiner rejected claims 12-21, 33-42, and 54-63 under 35 USC 102(e) as

being anticipated by Kasriel et al., US2003/0128231. This rejection is respectfully

traversed.

Claim 12 recites:

"A computer-implemented method for capturing and presenting node sequence data, comprising:
receiving input designating a target path comprising a sequence of nodes, the target path further comprising at least one wild card;
retrieving, from a stored log, a plurality of records comprising node sequence data;
filtering the retrieved records to identify records corresponding to node sequences that match the target path; and
outputting a report based on the identified records."

A method for capturing and presenting node sequence data is recited. Ac-

cording to the claimed method, input is received, which designates a target path

comprising a sequence of nodes. The target path comprises at least one wild card.

Records comprising node sequence data are retrieved from a stored log. The records

are filtered to identify those which correspond to node sequences matching the tar-

get path. A report is output based on the identified records.

By including at least one wild card in the target path, the present invention

provides a mechanism for filtering based on a node sequence of interest, while al-

lowing for the possibility that other nodes may appear at certain places within the

node sequence. When appropriate, matches can be identified as such, whether or

not these tangential nodes (i.e. nodes that are not of interest) appear within the node sequence. As stated in the specification at paragraph [0048], each wild card can indicate that it is permissible to have any single node at the position indicated by the wild card, or that it is permissible to have zero or more nodes at the position indicated by the wild card.

For example, a target path of A, C, ?, ?, E can be designated, where ? is a wild card indicating any single node. Any path including node A as the first node, C as the second node, and E as the fifth node would match the target path, regardless of which nodes are presented as the third and fourth node. However, it would be a requirement that two nodes appear between C and E.

As another example, a target path of A, C, *, E can be designated, where * is a wild card indicating zero or more nodes. Any path including node A as the first node, C as the second node, and E as a node appearing at some point after the second node would match the target path, regardless of whether or not any nodes appear between C and E, and regardless of how many nodes appear between C and E.

This ability to flexibly specify target paths provides enhanced functionality in capturing and presenting site visitation path data and statistics.

Kasriel, on the other hand, provides no hint or suggestion of such a technique. Kasriel discloses a user interface that allows a user to select parameters for filtering path-analysis data so as to target specific traversals. However, the mechanism by which target paths are specified is entirely different than the wild card technique claimed herein.

Specifically, in Kasriel, the user specifies a target location of interest. The target may include all pages of a website, or a set of pages of interest within a website. A particular traversal to or from the target location can also be specified. See paragraph [0033]. Examples of the types of conditions that can be specified are provided at paragraph [0035], such as: "all accesses to the web-site from 'yahoo.com' that include at least one visit to 'pages A, B, or C'", or "all access to the web-site from 'yahoo.com' wherein the visitor entered the web-site via 'pages A, B, or C'", or "all accesses to the web-site from 'yahoo.com' wherein the visitor entered the web-site via 'page A', and visited 'page B or C'."

None of these examples includes the concept of a wild card, or any equivalent concept. In fact, the wild card concept does not appear anywhere in Kasriel, nor does any equivalent concept. Accordingly, Kasriel provides no mechanism by which a target path can be specified including a sequence of required pages and allowing for additional pages to be visited at specific points on the path but not at other points on the path.

For example, in the example provided above, the target path of A, C, *, E (which includes a wild card between C and E) allows for additional pages (nodes) between C and E but not between A and C. Kasriel provides no mechanism by which such a path can be specified.

To summarize, there is no hint or suggestion anywhere in Kasriel for any technique by which a specific target path can be defined, along with an indication as to where (and how many) intervening nodes are permitted to appear. Accordingly,

Kasriel fails to teach or suggest the wildcard–based technique recited in claim 12, and further fails to teach or suggest any equivalent technique.

Claim 12 is therefore submitted to be patentably distinct from the cited reference.

Claims 13-21 are dependent claims that incorporate all of the limitations of claim 12, and that include additional limitations. Therefore, for at least the reasons provided above, these dependent claims are submitted to be patentably distinct from the cited reference.

Claims 33-42 are system claims that recite limitations similar to those discussed above. Therefore, for at least the reasons provided above, these claims are submitted to be patentably distinct from the cited reference.

Claims 54-63 are computer program product claims that recite limitations similar to those discussed above. Therefore, for at least the reasons provided above, these claims are submitted to be patentably distinct from the cited reference.

On the basis of the above amendments, consideration of this application and the early allowance of all claims herein are requested.

Should the Examiner wish to discuss the above amendments and remarks, or if the Examiner believes that for any reason direct contact with Applicants' representative would help to advance the prosecution of this case to finality, the Examiner is invited to telephone the undersigned at the number given below.

Respectfully submitted,
Brett Error and John Pestana

Dated: _SEP 7/06_

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